

SHER TREMONTE LLP

August 9, 2023

BY ECF

Hon. Taryn A. Merkl
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Trooper 1 v. NYSP et al.*, 22-cv-893 (LDH) (TAM);
Cuomo v. Boylan, 23-mc-1587 (LDH) (TAM)**

Dear Judge Merkl:

Attached is a communication we received today from Donald Rehkopf, counsel to Ana Liss-Jackson. We understand that this is Mr. Rehkopf's response to Your Honor's August 1, 2023 Order. Mr. Rehkopf informed us that he does not intend to appear in this action or file his submission in this action, but we are providing it to Your Honor as a courtesy to the Court. In this letter, Mr. Rehkopf raises arguments that he did not previously articulate to us and that we did not address in our July 19, 2023 sealing letter (T1 ECF No. 98; Boylan ECF No. 22) (or in our letter request to file Ms. Liss-Jackson's testimony publicly (T1 ECF No. 103)). To the extent the Court intends to consider the contents of Mr. Rehkopf's communication notwithstanding his failure to appear in this matter, we respectfully request an opportunity to respond to the new issues raised by Mr. Rehkopf.

In addition, we understand that counsel for Lindsey Boylan also intends to make a submission today regarding the confidentiality of information related to Ms. Boylan. Based on a brief meet and confer, we anticipate Ms. Boylan's counsel will also raise arguments that we have not yet had an opportunity to address; indeed, because the materials at issue in our sealing letter involve documents produced by Ms. Liss-Jackson and Ms. Liss-Jackson's testimony, we have not had any chance to respond to any arguments concerning sealing that Ms. Boylan may raise. Under these circumstances, we respectfully request an opportunity to respond to Ms. Boylan's arguments.

Specifically, we respectfully request that the Court grant Governor Cuomo leave to file a brief letter response, not to exceed three pages, to one or both submissions by August 16, 2023.

Respectfully submitted,

/s/ Theresa Trzaskoma

Theresa Trzaskoma

Attachment